

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8 are presently active, Claim 1 having been amended by way of the present amendment.

In the outstanding Office Action, Claim 1 was objected to due to an informality. Claims 1-2 were rejected under 35 U.S.C. § 102(a) as being anticipated by Ikeda et al (U.S. Pat. Pub. No. 2002/0041515 A1). Claims 3-7 were objected to for being dependent from a rejected base claim but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. Claim 8 was indicated as being allowed.

Firstly, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 3-7 and the indication of allowance for Claim 8.

Secondly, regarding the objection to the Claim 1, Claim 1 has been amended to address the identified informality. Thus, it is respectfully submitted that the objection to the Claim 1 has been overcome.

In Claim 1, the second wiring line is presently defined to be buried just beneath the tunnel magneto-resistive (TMR) element. Furthermore, the second wiring line is formed and patterned so that both of its edges are placed outside a pattern of the tunnel magneto-resistive element. Such a structure makes it possible to permit the underlayer of the TMR element to exhibit a greater surface planarity, which in turn permits further improvement in reliability and the operation characteristics of the TMR element, even when the second wiring line is buried beneath the TMR element. See for example the specification page 4, line 4 to page 5 line 4, and/or page 10, lines 29-33.

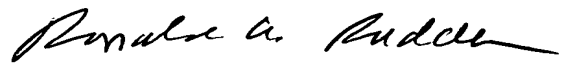
In contrast, in both Figures 16 and 19 of Ikeda et al, the write line 10, identified in the Office Action as the second wiring line, is routed at a position where it *does not overlap* with the TMR layer 30. See numbered paragraph [0148] of Ikeda et al. Thus, Ikeda et al do not recognize a problem that height differences at edges of write line 10 may affect the reliability or operation characteristics of the TMR elements. Therefore, Ikeda et al do not disclose or suggest a second wiring line buried just beneath the tunnel magneto-resistive element while overlying the first wiring line in the interlayer dielectric film, to provide a current magnetic field to the tunnel magneto-resistive element during writing, as defined in Claim 1.

M.P.E.P. § 2131 requires for anticipation that each and every feature of the claimed invention must be shown. Thus, it is respectfully submitted that, with no disclosure of the above noted feature of a second wiring line buried just beneath the tunnel magneto-resistive element, independent Claim 1 and the claims dependent therefrom patentably define over the applied prior art.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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